ATTACHMENT 38

EXHIBIT 41

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA

3   SAN JOSE DIVISION

4

5   CISCO SYSTEMS, INC.,   )
)
6   Plaintiff,   )
) Case No.
7   vs.   ) 5:14-cv-05344-BLF (PSG)
)
8   ARISTA NETWORKS, INC.   )
)
9   Defendant.   )
)
10   _____)

11

12

13   *** HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY ***

14

15   VIDEOTAPED DEPOSITION OF BALAJI VENKATRAMAN

16   Palo Alto, California

17   Tuesday, May 2, 2016

18   Volume I

19

20

21   Reported by:

22   CARLA SOARES

23   CSR No. 5908

24   Job No. 2302931

25   Pages 1 - 116

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 1        UNITED STATES DISTRICT COURT
 2      NORTHERN DISTRICT OF CALIFORNIA
 3          SAN JOSE DIVISION
 4
 5  CISCO SYSTEMS, INC.,    )
                            )
 6       Plaintiff,   )
                            ) Case No.
 7    vs.        ) 5:14-cv-05344-BLF (PSG)
                            )
 8  ARISTA NETWORKS, INC.   )
                            )
 9       Defendant.   )
                            )
10  _____)
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12
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14
15
16       VIDEOTAPED DEPOSITION OF BALAJI
17  VENKATRAMAN, Volume I, taken on behalf of Defendant,
18  at 601 California Avenue, Palo Alto, California,
19  beginning at 10:03 a.m., and ending at 1:58 p.m., on
20  Monday, May 2, 2016, before CARLA SOARES, Certified
21  Shorthand Reporter No. 5908.
22
23
24
25
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13       Hewlett Packard Enterprise
14       IP Litigation Counsel
15
16       Sean Grant, Video Operator
17
18           --o0o--
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 1  APPEARANCES:
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 1           INDEX
 2  WITNESS
 3  BALAJI VENKATRAMAN            EXAMINATION
    Volume I
 4
 5      BY MR. SANTACANA            11
 6      BY MR. HOLMES          106
 7
 8       EXHIBITS
 9  NUMBER       DESCRIPTION        PAGE
10  Exhibit 625  Subpoena to Testify at a      14
11       Deposition in a Civil Action
12
13  Exhibit 626  Declaration of Angela Johnson     15
14       On Behalf of Hewlett Packard
15       Enterprise
16
17  Exhbiit 627  Document entitled "CiscoWorks     30
18       Network Compliance Manger 1.7,"
19       Bates ARISTANDCA00224722 - 4725
20
21  Exhibit 628  Document entitled "End-of-Sale and   31
22       End-of-Life Announcement for the
23       CiscoWorks Network Compliance
24       Manager 1.7 and 1.8,"
25       Bates ARISTANDCA00224900 - 4905
                                              Page 5
```

2 (Pages 2 - 5)

	EXHIBITS		
1			
2	NUMBER	DESCRIPTION	PAGE
3	Exhibit 629	Document entitled "HP Network	33
4		Automation Software,"	
5		Bates HPE88296 - 8314	
6			
7	Exhibit 630	Document entitled "HP Network	43
8		Automation," Bates HPE83634 -	
9		3837	
10			
11	Exhibit 631	Document entitled "Quick Start	53
12		Guide for CiscoWorks Network	
13		Compliance Manager 1.2.1,"	
14		Bates ARISTANDCA00225275 - 5307	
15			
16	Exhibit 632	Document entitled "User Guide for	56
17		Network Compliance Manager 1.4,"	
18		Bates HPE91828 - 2702	
19			
20	Exhibit 633	Document entitled "HP Network	56
21		Automation," Bates HPE84099 -	
22		4972	
23			
24			
25			

	EXHIBITS		
1			
2	NUMBER	DESCRIPTION	PAGE
3	Exhibit 638	Document entitled "CLI/API	92
4		Command Reference for CiscoWorks	
5		Network Compliance Manager 1.7,"	
6		Bates ARISTANDCA00224969 - 5129	
7			
8	Exhibit 639	Document entitled "HP 5900	94
9		Switch Series,"	
10		Bates ARISTANDCA00224908 - 4916	
11			
12	Exhibit 640	Document headed "QuickSpecs	97
13		HP6200 yl Switch Series,"	
14		Bates ARISTANDCA00224917 - 4949	
15			
16	Exhibit 641	Document entitled "ProCurve	98
17		Networking by HP Data Sheets,"	
18		Bates ARISTANDCA00225130 - 5268	
19			
20	Exhibit 642	Document entitled "HP A7500	100
21		Switch Series,"	
22		Bates ARISTANDCA00224950 - 4968	
23			
24			
25			

	EXHIBITS		
1			
2	NUMBER	DESCRIPTION	PAGE
3	Exhibit 634	Document entitled "Incremental	84
4		Device Driver Update for	
5		CiscoWorks Network Compliance	
6		Manager, January 2012,"	
7		Bates ARISTANDCA00224726 - 4793	
8			
9	Exhibit 635	Document entitled "Incremental	85
10		Device Driver Update for	
11		CiscoWorks Network Compliance	
12		Manager, August 2011,"	
13		Bates CSI-CLI-03740012 - 0065	
14			
15	Exhibit 636	Document entitled "Incremental	88
16		Device Update (IDU) Bulletin for	
17		Network Compliance Manager 1.x,"	
18		CSI-CLI-03829811 - 9818	
19			
20	Exhibit 637	Document entitled "Incremental	91
21		Device Driver Update for CiscoWorks	
22		Network Compliance Manager, January	
23		2013," Bates CSI-CLI-03786895 -	
24		6970	
25			

	EXHIBITS		
1			
2	NUMBER	DESCRIPTION	PAGE
3	Exhibit 643	Document entitled "HP ProCurve	102
4		Secure Router 7000dl Series,"	
5		Bates ARISTANDCA00225269 - 5274	
6			
7	Exhibit 644	Document entitled "HP GbE2c	103
8		Layer 2/3 Ethernet Blade Switch -	
9		questions & answers,"	
10		Bates ARISTANDCA00224906 - 4907	
11			
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3 (Pages 6 - 9)

1 Palo Alto, California	1 A Hewlett-Packard Enterprise.

1   Palo Alto, California
2   Monday, May 2, 2016
3   10:03 a.m.
4
5   P R O C E E D I N G S
6   THE VIDEO OPERATOR: Good morning. We're
7   on the record. The time is 10:03 a.m., and the date
8   is May 2nd, 2016. This begins the videotaped
9   deposition of Hewlett-Packard pursuant to Rule
10   30(b)(6).
11   My name is Sean Grant, here with our court
12   reporter, Carla Soares. We're here from Veritext
13   Legal Solutions at the request of counsel for
14   defendant.
15   This deposition is being held at Wilson
16   Sonsini in Palo Alto, California. The caption of
17   this case is Cisco Systems, Inc., versus Arista
18   Networks, Inc., Case No. 5:14-CV-05344-BLF.
19   Please note that audio- and
20   video-recording will take place unless all parties
21   have agreed to go off the record. Microphones are
22   sensitive and may pick up whispers, private
23   conversations, or cellular interference.
24   At this time, will counsel please identify
25   themselves and state whom they represent.

Page 10

1   A   Hewlett-Packard Enterprise.
2   Q   And what is your title?
3   A   Director, project management.
4   Q   You understand that you are testifying on
5   behalf of your employer in response to a subpoena
6   today?
7   A   Yes.
8   Q   And you understand that that subpoena was
9   issued by the defendant in this case, Arista, and
10   not by the plaintiff, Cisco?
11   A   Yes.
12   Q   You understand that your testimony today
13   is testimony that you will provide on behalf of your
14   employer, HP?
15   A   Yes.
16   Q   Have you been deposed before?
17   A   No.
18   Q   Are you represented by counsel today?
19   A   Yes.
20   Q   And who is that?
21   A   Tom.
22   Q   I just want to go over a couple of ground
23   rules since you haven't been deposed before, and
24   then we'll get started.
25   You understand, sir, that you're

Page 12

1   MR. SANTACANA: Eduardo Santacana of Keker
2   & Van Nest. I represent the defendant, Arista
3   Networks.
4   MR. WONG: Ryan Wong from Keker & Van Nest
5   for Arista Networks.
6   MR. HOLMES: Drew Holmes with Quinn
7   Emanuel of behalf of Cisco.
8   MR. GARTEN: Tom Garten of Covington &
9   Burling for the witness and HP Enterprise.
10   MS. JOHNSON: Angela Johnson for HP
11   Enterprise.
12   THE VIDEO OPERATOR: Thank you.
13   Will the certified court reporter please
14   swear in the witness.
15   BALAJI VENKATRAMAN
16   having been administered an oath, was examined and
17   testified as follows:
18   EXAMINATION
19   BY MR. SANTACANA:
20   Q   Good morning, sir. Could you please state
21   your full name for the record?
22   A   Balaji Venkatraman.
23   Q   Could you spell that?
24   A   B-A-L-A-J-I, V-E-N-K-A-T-R-A-M-A-N.
25   Q   Who is your current employer?

Page 11

1   testifying under oath, under penalty of perjury
2   today?
3   A   Yes.
4   Q   And you understand that that testimony is
5   just as if you were testifying in court?
6   A   Yes.
7   Q   You understand the reporter will be
8   writing down everything that you say?
9   A   Yes.
10   Q   As a result, it's important that you
11   answer all of my questions verbally instead of with
12   gestures such as nodding your head so that the
13   reporter can record your answers.
14   A   Okay.
15   Q   It's important that you and I not speak
16   over one another today so that the reporter can
17   write down everything that each of us says.
18   A   Okay.
19   Q   So while I'm asking a question, wait until
20   the question is done, and likewise, while you're
21   answering, I will wait until you're finished before
22   asking my next question.
23   A   Okay.
24   Q   If you don't understand a question, please
25   let me know, and I will try to clarify it. If you

Page 13

4 (Pages 10 - 13)

1   Q   Regardless of which vendor manufactures
2   the device?
3   A   Correct.
4   Q   So every HP customer of Network Automation
5   gets all the device drivers regardless of how many
6   devices they need to support or the -- what they've
7   paid for the product?
8   A   The device comes pre-packaged with a
9   certain number of devices -- device drivers that
10   every customer gets when they purchase the product.
11   Q   Okay.
12   (Exhibit 639 was marked for identification
13   and is attached hereto.)
14   BY MR. SANTACANA:
15   Q   Exhibit 639 has a Bates number of
16   ARISTANDCA00224908. It's titled "HP 5900 Switch
17   Series Data Sheet."
18   My question for you, sir, is, is this a
19   document that HP kept in the ordinary course of
20   business?
21   A   It has an HP logo. It's an HP switch.
22   Yes.
23   Q   Do you know when the document was created
24   by HP?
25   A   Let's see if there's a date. I have not

Page 94

1   seen this document before, but if there's a date, I
2   can -- in the last page, it says "Created
3   February 2012," and "Updated February 2013."
4   Q   Do you know what this document is?
5   A   This is the device specification for HP
6   5900 switch series.
7   Q   Do you have any reason to doubt that it is
8   an authentic version of the specification HP
9   created?
10   A   No. Looking at the logo and the product
11   family name, this is an HP product. I believe this
12   is HP documentation.
13   Q   Do you know -- do you know who at HP would
14   have created this product -- this document?
15   A   This document would have been created by
16   the R&D team that is responsible for this particular
17   switch.
18   Q   Okay. And how do you know that?
19   A   By default, the team that develops the
20   switch is also responsible for producing product
21   documentation.
22   Q   Was this document created by the R&D team
23   in the ordinary course of HP's business?
24   A   I believe so.
25   Q   If you flip to page 5, the third bullet

Page 95

1   point says, "Industry-standard CLI with a
2   hierarchical structure" as the -- as one of the
3   features of this switch, and underneath it says,
4   "Reduces training time and expenses, and increases
5   productivity in multi-vendor installations."
6   A   Right.
7   Q   Do you have an understanding of what the
8   industry standard CLI with a hierarchical structure
9   is?
10   A   Yes.
11   Q   What is that?
12   A   So as we discussed earlier, the reason to
13   have common, consistent-looking CLI across different
14   vendors and different device types for the devices
15   to present a common interface is because users can
16   leverage the learning on one device to another
17   device, another class of device.
18   So in the interest of helping our
19   customers, Hewlett-Packard also implements CLI that
20   is accepted industry standard so that we minimize
21   the amount of time customers have to spend learning
22   our -- our CLI.
23   Q   Is the industry standard CLI that HP
24   implements to help its customers with training time
25   and expenses, is that a set of specific commands?

Page 96

1   A   They are general guidelines. Every vendor
2   implements the CLI to be consistent with the
3   standard, but every vendor also has proprietary
4   modifications and extensions.
5   But in general, the bulk of it will be
6   similar to whatever the standard is.
7   Q   Do you know what it means when it says "a
8   hierarchical structure"?
9   A   Hierarchical is where you have a set of
10   base commands, show commands. Hierarchical could be
11   either in terms of the capability or it could be in
12   terms of the privileges that one requires to
13   exercise the CLI.
14   Q   Do you know of any other vendors that
15   implement what you've called the industry standard
16   CLI?
17   A   Most vendors would attempt to implement
18   their CLI that is similar to the standard.
19   MR. SANTACANA: You can set that aside.
20   (Exhibit 640 was marked for identification
21   and is attached hereto.)
22   BY MR. SANTACANA:
23   Q   Exhibit 640 has the Bates number
24   ARISTANDCA00224917, last page ends in 4949. The
25   document is entitled "HP 6200 yl Switch Series

Page 97

25 (Pages 94 - 97)

1   (Retired)," and at the top it says, "QuickSpecs."
2   Sir, is this a document that was kept and
3   created by HP in the ordinary course of its
4   business?
5   A I believe so.
6   Q Do you have any reason to doubt its
7   authenticity?
8   A No.
9   Q Do you know when the document would have
10 been created?
11   A It says here at the bottom this is version
12 21, with a date stamp of July 24th, 2015.
13   Q Do you know who at HP would have been
14 responsible for creating this document?
15   A The R&D team that was responsible for
16 HP 6200 yl switch series.
17   Q And how do you know that?
18   A By default, the R&D team that develops the
19 product also creates documentation.
20   MR. SANTACANA: Okay. You can set that
21 aside. Thanks.
22   (Exhibit 641 was marked for identification
23   and is attached hereto.)
24 BY MR. SANTACANA:
25   Q Exhibit 641 has a Bates number of

Page 98

1   ARISTANDCA00225130, last page ends in 5268. It's
2   titled "ProCurve Networking by HP Data Sheets."
3   Do you know what this document is, sir?
4   A These are data sheets for the HP ProCurve
5   family of routers and switches.
6   Q Is this a document that is kept and was
7   created by HP in the ordinary course of its
8   business?
9   A I believe so.
10   Q Do you have any reason to doubt its
11 authenticity?
12   A No.
13   Q Do you know when the document was created?
14   A So on the last page of this exhibit,
15 there's a date stamp of 2005.
16   Q And who at HP was responsible for creating
17 this document?
18   A The R&D team that would have been
19 responsible for the family of ProCurve network
20 elements.
21   Q And how do you know that?
22   A By default, the R&D team that produces a
23 product also produces the documentation.
24   Q Could you flip to page 7?
25   A Page 7? Yep.

Page 99

1   Q At the top of the page it says, "ProCurve
2   secure router 7000dl Series." This is a data sheet
3   for that switch.
4   Under "Ease of use," as a feature and
5   benefit, it says, "Industry-standard CLI utilizes
6   familiar CLI to minimize training and certification
7   costs."
8   Is the reason that industry standard CLI
9   is a feature for this switch the same as what you
10 said earlier?
11   A Yes.
12   MR. SANTACANA: You can set that aside.
13 Thanks.
14   (Exhibit 642 was marked for identification
15   and is attached hereto.)
16 BY MR. SANTACANA:
17   Q Exhibit 642 is Bates number
18 ARISTANDCA00224950, last page ends in 4968. The
19 title is "HP A7500 Switch Series Data Sheet."
20   Is this a document that HP kept and
21 created in the ordinary course of its business?
22   A I believe so.
23   Q Do you know when the document was created?
24   A In the last page of this exhibit, there's
25 a date stamp of August 2012, version 3.

Page 100

1   Q Do you have any reason to doubt the
2   authenticity of this document?
3   A No.
4   Q Who at HP was responsible for creating
5   this document?
6   A The R&D team that was responsible for HP
7   A7500 switch series.
8   Q And how do you know that?
9   A By default, the R&D team that produces
10 the product also is responsible for the
11 documentation.
12   Q And if you could flip to page 3.
13   A Okay.
14   Q The second bullet point in the first
15 column is one of the features and benefits for this
16 switch. It says, "Industry-standard CLI with a
17 hierarchical structure reduces training time and
18 expenses, and increases productivity in multi-vendor
19 installations."
20   Is the reason that the industry standard
21 CLI of this product is a feature the same as the
22 reasons you explained earlier?
23   A Yes.
24   MR. SANTACANA: Thank you. You can set
25 that aside.

Page 101

26 (Pages 98 - 101)

1   Almost there.
2   (Exhibit 643 was marked for identification
3   and is attached hereto.)
4   BY MR. SANTACANA:
5   Q   Exhibit 643 has a Bates number of
6   ARISTANDCA00225269, ending in 5274. It's titled "HP
7   ProCurve Secure Router 7000dl Series Data Sheet."
8   Do you know if -- strike that.
9   Was this document kept and created by HP
10   in the ordinary course of its business?
11   A   I believe so.
12   Q   Do you know when this document was
13   created?
14   A   The last page shows a date stamp of
15   January 2009.
16   Q   Do you have any reason to doubt the
17   authenticity of this document?
18   A   No.
19   Q   Do you know who at HP was responsible for
20   creating this document?
21   A   The R&D team that was responsible for
22   ProCurve Secure Router 7000dl Series.
23   Q   How do you know that?
24   A   Be default, the documentation is created
25   by the R&D team that produces this product.

Page 102

1   Q   If you could flip to page 3, under the
2   product's features and benefits, the last bullet
3   point in the first column reads, "Industry-standard
4   CLI utilizes a familiar command line interface (CLI)
5   to reduce training and certification costs."
6   Are the reasons why this industry standard
7   CLI is a feature and benefit of this product the
8   same as the reasons you stated earlier?
9   A   Yes.
10   MR. SANTACANA: Thank you. You can set
11   that aside.
12   (Exhibit 644 was marked for identification
13   and is attached hereto.)
14   BY MR. SANTACANA:
15   Q   Exhibit 644 has a Bates number of
16   ARISTANDCA00224906 through 4907. It's titled "HP
17   GbE2c Layer 2/3 Ethernet Blade Switch - questions &
18   answers." And the document also has a URL at the
19   bottom that includes hp.com as the domain.
20   Sir, is this a document that HP kept and
21   created in the ordinary course of its business?
22   A   This looks like a printout of an HP
23   documentation, yes.
24   Q   And the online version of this document is
25   something that HP keeps and creates in the ordinary

Page 103

1   course of its business?
2   A   Yes.
3   Q   Do you know when -- well, strike that.
4   Do you know who at HP is responsible for
5   creating this documentation?
6   A   Yeah. This is a Q-and-A. Unlike a
7   product documentation on a data sheet, this is a
8   Q-and-A. So it could either come from the product
9   team or the support team.
10   Q   Okay. And do you have any reason to doubt
11   that this is an authentic printout of HP's online
12   documentation?
13   A   Based on what I see here, no.
14   Q   What is the HP GbE2 Ethernet blade switch,
15   do you know?
16   A   I'm not an expert, but this is an HP
17   gigabit Ethernet layer two/layer three blade that
18   goes in a chassis.
19   Q   Under "Answers" -- well, "Questions" and
20   "Answers," the first question is, "I am a current HP
21   gigabit E2p-Class user. Will I have to learn a new
22   configuration interface?"
23   The first answer is, "No. The switch uses
24   the same intuitive interface as the GbE2.
25   Additionally, all GbE2 switches have a new industry

Page 104

1   standard CLI that greatly simplifies configuration
2   and management."
3   Is the reason that the industry standard
4   CLI is a benefit of this product the same as the
5   reasons you stated earlier?
6   A   Yes.
7   Q   Okay. You can set that aside.
8   Does HP make command reference manuals for
9   its switches available to its customers?
10   A   Yes.
11   Q   Are those manuals kept and created by HP
12   in the ordinary course of its business?
13   A   Yes.
14   Q   Are they created around the time that the
15   products are released publicly?
16   A   Generally, yes.
17   Q   Do you know who at HP is responsible for
18   creating the command reference manuals?
19   A   Typically the R&D team that develops the
20   products also creates documentation.
21   MR. SANTACANA: That's all I have.
22   THE VIDEO OPERATOR: Do you want to go off
23   the record?
24   MR. HOLMES: Yeah, let's go off the
25   record.

Page 105

27 (Pages 102 - 105)

1   A So these are industry standards that most
2 vendors implement in order to present a consistent
3 interface.
4   Sometimes standard -- every document that
5 HP referred to had "industry standard" in quotes.
6 So sometimes a standard is as published by an
7 industry organization like IETF or ITU in some
8 cases.
9   The industry practices have evolved to
10 adopt a common set of commands, and so they are also
11 generally referred to as standards. But they may
12 not be a specific document like an FTP protocol or
13 an OSPF, which are standards published by -- in the
14 documents. So the definition of "standard" may
15 vary.
16   Q Got it.
17   So it's possible then, when the exhibits
18 that you just walked through with counsel reference
19 industry standard, they're not referring to a
20 specific set standard by a standards-setting body,
21 but just sort of a general way to describe the type
22 of CLI that HP uses?
23   A Correct.
24   Q Now, you would agree with me, sir, that
25 there are multiple ways to implement a specific CLI

Page 110

1 command, right?
2   A Yes, there are multiple ways to implement
3 CLI.
4   Q And different companies can and do, in
5 fact, create their own CLI commands using different
6 words and syntaxes, correct?
7   A Correct. The syntax may vary across
8 vendors.
9   Q And I believe you testified earlier that
10 vendors, in some instances, have their own
11 proprietary modifications to the industry standard
12 command line interface, correct?
13   A Correct.
14   Q And does HP have its own proprietary
15 commands?
16   A I'm sure HP has proprietary extensions to
17 the CLI.
18   Q And in those instances, HP would be using
19 a different CLI command than, for instance, Juniper
20 to configure a network device, correct?
21   A Correct. HP syntax would be different and
22 documented.
23   Q So it's fair to say then that even though
24 a CLI command might be similar across different
25 vendors, they can be different, correct?

Page 111

1   MR. SANTACANA: Objection. Calls for
2 opinion testimony.
3   THE WITNESS: Either they are the same or
4 they are different.
5 BY MR. HOLMES:
6   Q Right. They can be similar but different?
7   A The syntax may vary.
8   Q Now, you discussed earlier with counsel a
9 product called Network Automation product.
10   Do you remember that?
11   A Yes.
12   Q And that's an HP product?
13   A Correct.
14   Q And the analogous product, I believe, that
15 is -- that HP OEMs for Cisco is the Cisco Network
16 Compliance Manager; is that right?
17   A Correct.
18   Q Now, the HP Network Automation product,
19 that's not a router, is it?
20   A No.
21   Q And it's not a switch, correct?
22   A No.
23   Q And I believe your testimony is that the
24 Network Automation product, in fact, supports
25 various network elements, right?

Page 112

1   A Yes.
2   Q And so it's fair to say that the Network
3 Automation product is complementary to a router or a
4 switch, correct?
5   A The Network Automation product is a
6 software product that helps manage the
7 configuration -- changes to the configuration and
8 compliance across multiple vendors.
9   Q Would it be fair to say that the Network
10 Automation product does not specifically compete in
11 the marketplace with a switch or a router?
12   A That is correct. We -- the switch and the
13 router is not competitive to Network Automation.
14   Q Sir, have you read Cisco's complaint that
15 it filed against Arista?
16   A No.
17   Q Have you read any of the Cisco patents
18 that have been asserted against Arista in this case?
19   A No.
20   Q You've never, I assume then, read any of
21 the claims that are associated with Cisco's patents
22 that are asserted in this case?
23   A That's correct.
24   Q And, sir, you're not a lawyer, are you?
25   A No.

Page 113

29 (Pages 110 - 113)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1   Q And do you consider yourself to be an
2 expert in patent law?
3   A No.
4   Q And have you read any briefings or papers
5 that are related to this case other than the
6 subpoena?
7   A No.
8   MR. HOLMES: All right. I pass the
9 witness.
10   MR. SANTACANA: Nothing.
11   MR. GARTEN: I just want to put on the
12 record that we'll take the time under the protective
13 order to review and designate the transcript as
14 appropriate. I understand in the 15-day period it's
15 highly confidential, attorney eyes' only.
16   MR. SANTACANA: Okay.
17   THE VIDEO OPERATOR: This concludes
18 today's videotaped deposition of Hewlett-Packard
19 pursuant to Rule 30(b)(6). We're off the record at
20 1:58 p.m.
21   (TIME NOTED: 1:58 p.m.)
22   --o0o--
23
24
25

Page 114

1   I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:
4   That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath; that
8 a record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; that the foregoing transcript is
11 a true record of the testimony given.
12   Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [X] was [ ] was not requested.
16   I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.
19   IN WITNESS WHEREOF, I have this date
20 subscribed my name.
21
22 Dated: 05/13/2016
23
24
25   _Carla Soares_
          CARLA SOARES
          CSR No. 5908

Page 116

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7
8   I, BALAJI VENKATRAMAN, do hereby declare
9 under penalty of perjury that I have read the
10 foregoing transcript; that I have made any
11 corrections as appear noted, in ink, initialed by
12 me, or attached hereto; that my testimony as
13 contained herein, as corrected, is true and correct.
14   EXECUTED this _____ day of _____,
15 2016, at _____, _____.
16   (City)   (State)
17
18
19   _____
20   BALAJI VENKATRAMAN
21
22
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24
25

Page 115

30 (Pages 114 - 116)